

05/20/2019

SEALED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JULIA C. DUDLEY, CLERK
BY: *H. Wheeler*
DEPUTY CLERK

IN THE MATTER OF THE SEARCH OF:

INFORMATION ASSOCIATED WITH
EMAIL ADDRESS RMM2881@EMAIL.VCCS.EDU,
AND/OR GOOGLE ID: 101570683124709894144,
AND/OR IMEI 357835074979410,
AND/OR CELLULAR NUMBER (703) 344-5440
THAT ARE STORED AT PREMISES
CONTROLLED BY GOOGLE, LLC.

Case No. 3 : 19mj 00035

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, David Wolf, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with email address rmm2881@email.vccs.edu, (TARGET ACCOUNT 1), and/or Google user ID 101570683124709894144 (TARGET ACCOUNT 2), and/or device IMEI 357835074979410 (TARGET ACCOUNT 3), and/or cellular phone number (703) 344-5440 (TARGET ACCOUNT 4), (collectively as "TARGET ACCOUNTS") which is stored at premises owned, maintained, controlled, or operated by Google LLC ("Google"), an internet based social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google to disclose to the government records and other information in its possession,

pertaining to the subscriber or customer associated with the aforementioned four TARGET ACCOUNTS.

2. Your affiant is a law enforcement officer within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

3. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been so for five years. My principal duties include the investigation of, among other matters, domestic terrorism violations of the United States.

4. I am a federal law enforcement officer under applicable provisions of the United States Code under Rule 41(a) of the Federal Rules of Criminal Procedure. I am charged with the duty of investigating federal violations of the Laws of the United States as enumerated under the Enactment of Title 18. I have received training and have experience in the enforcement of the laws of the United States, including the preparation and presentation of search warrants, and in executing court-ordered search warrants.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, § 2101 (Riots), have been committed by **RACHEL MICHELLE MYLES (MYLES), KYLE WRIGHT (WRIGHT), and DANIEL NGUYEN (NGUYEN)**. There is also probable cause to search the information described in Attachment A for evidence of these crimes further described in Attachment B.

6. Through training and experience, the Affiant has knowledge that domestic terrorists and persons affiliated with anarchist groups and/or conspirators will utilize cell phones, and other

electronic devices, electronic mail (“e-mail”), and social media to conduct their illegal activity and maintain contact with other confederates, conspirators and criminal associates involved with the planning, targeting, and execution of their political or social goals to include, but not limited to, espousing violence.

7. I am familiar with the facts and circumstances of the investigation through my personal participation; from discussions with other agents of the FBI and other law enforcement agencies; from my discussions with witnesses involved in the investigation; and from my review of records and reports relating to the investigation. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another FBI agent, law enforcement officer, or witness who may have had either direct or hearsay knowledge of that statement, and to whom I or others have spoken or whose reports I have read and reviewed. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

RELEVANT STATUTE

8. *Riots*, Title 18, United States Code, Section 2101, provides that, “Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent to incite a riot; or to organize, promote, encourage, participate in, or carry on a riot; or to commit any act of violence in furtherance of a riot; or to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot; and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any

purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph” shall be guilty of a federal offense.

JURISDICTION

9. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offenses being investigated.” 18 U.S.C. § 2711(3) (A)(i).

PROBABLE CAUSE

10. The FBI is conducting an investigation into possible violations of federal criminal law committed by MYLES, an individual who by her own admission, advocates to conduct violence at events as seen below in her Facebook account:

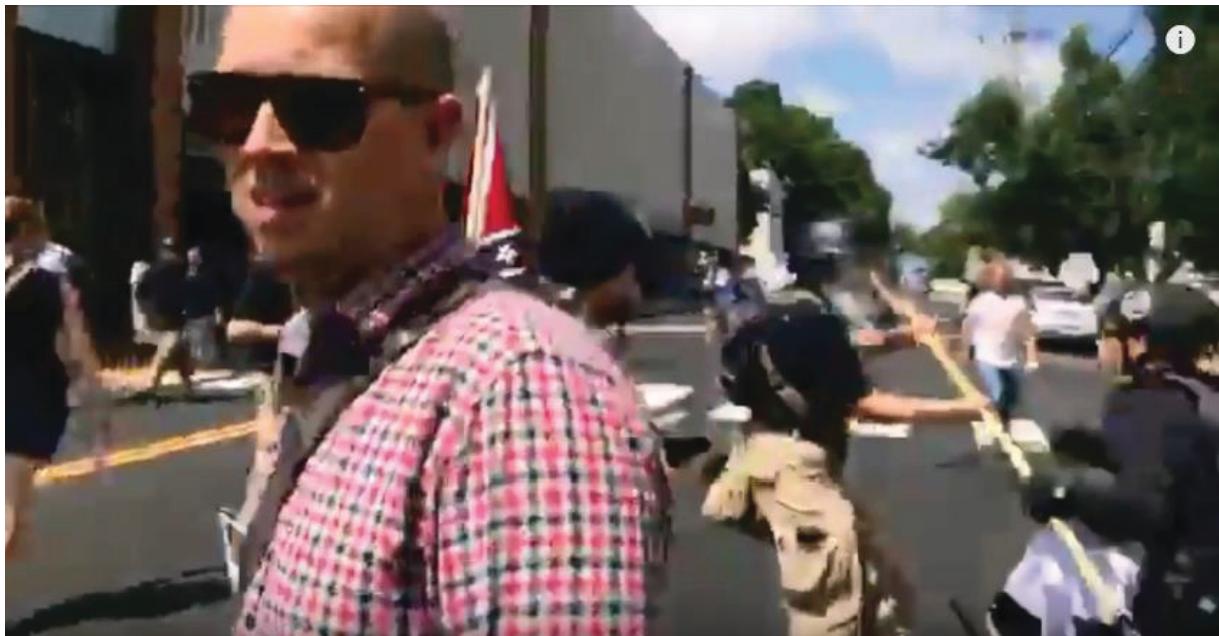


A screenshot of a Facebook post from a user named "Seymour Roodz Buts". The post was updated on August 24, 2017. The profile picture shows a person with long hair and a beard. The post text reads: "Degenerate dyke-whore with bad teeth! Recruit me & my cucks to get off to violence at your next event". Below the post, there are 15 likes and 9 comments. A link to "View 2 more comments" is visible. A reply from the same user says: "Hey friends just wanted to remind everyone that this is public post so be mindful what you post!"

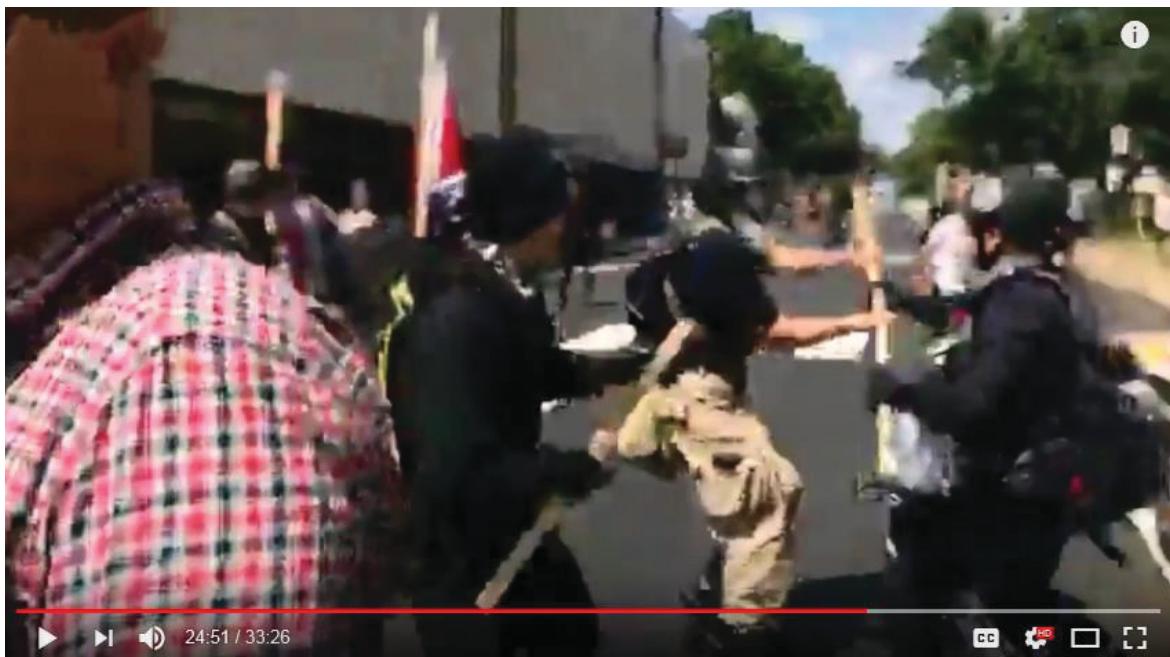
11. An investigation was initiated following receipt of information that MYLES, WRIGHT, and NGUYEN, attended the August 12, 2017 “Unite the Right” Rally in Charlottesville, VA. While at the Unite the Right rally, MYLES conducted two separate attacks upon protestors, with WRIGHT and NGUYEN providing protection for MYLES while the violent encounters occurred.

12. The following series of screenshots related to these assaults are taken from a video

uploaded to YouTube on October 16, 2017 entitled, “The Movie 2.0: Alt-Right vs Antifa in Charlottesville - DeAndre Harris, Corey Long, Harold Crews”. As seen in the two screenshots below, MYLES takes hold of VICTIM 1’s flagpole:



13. In the next two screenshots, MYLES is seen kicking VICTIM 1. NGUYEN is wearing the light green and black backpack.





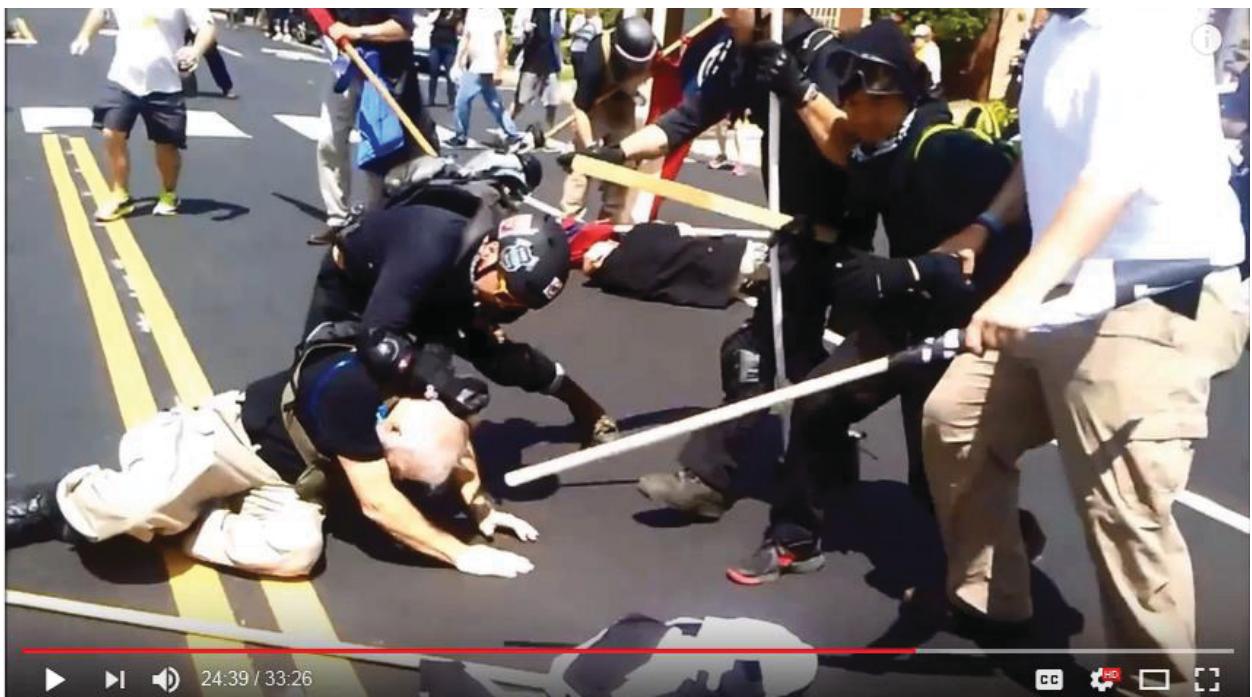
14. MYLES then throws VICTIM 1 to the ground after a second kick, this time to VICTIM 1's knee, while WRIGHT closely is behind her, and seen in the far right of the frame.



15. MYLES then lands several punches to the right temple of VICTIM 1:



16. NGUYEN is seen below trying to keep an individual away who appears to be trying to assist VICTIM 1.

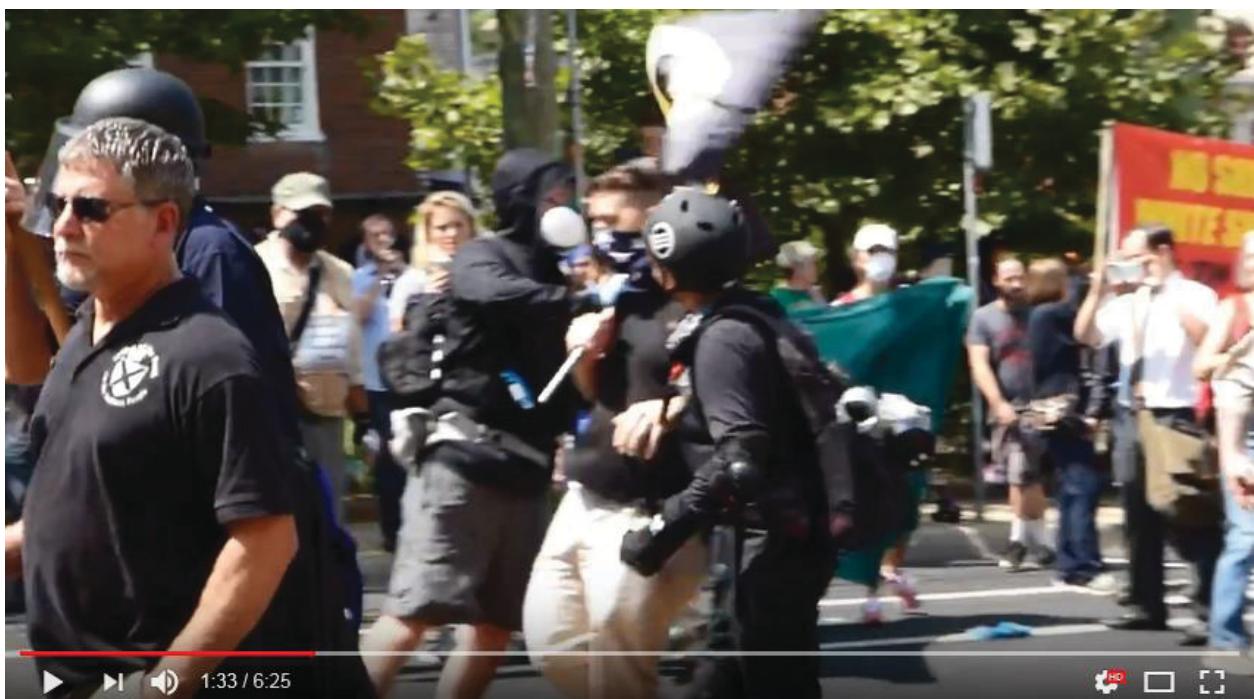


17. The second confrontation that MYLES was engaged in is seen in the below screenshots with VICTIM #2, which were taken from a Youtube video uploaded on August 12, 2017, entitled, "Charlottesville Unite The Right Rally Charlottesville VA August 12 2017". MYLES is observed approaching a protestor (VICTIM 2) and engaging VICTIM 2 as he pushes

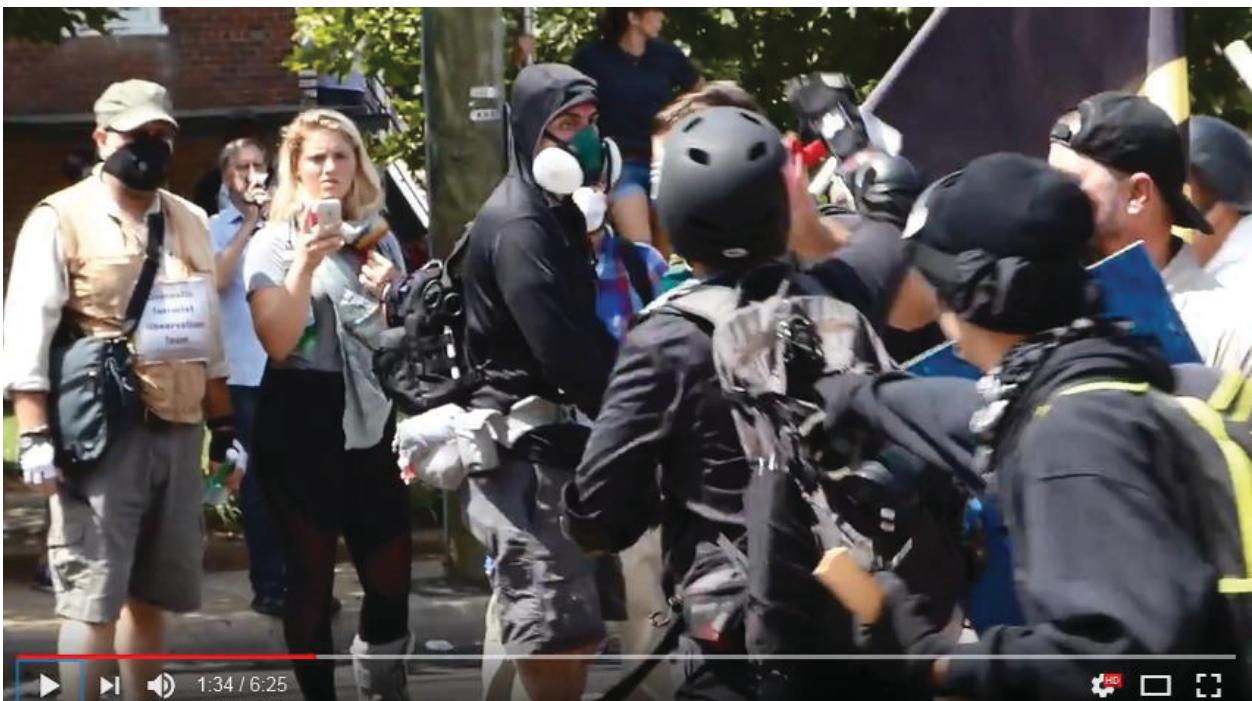
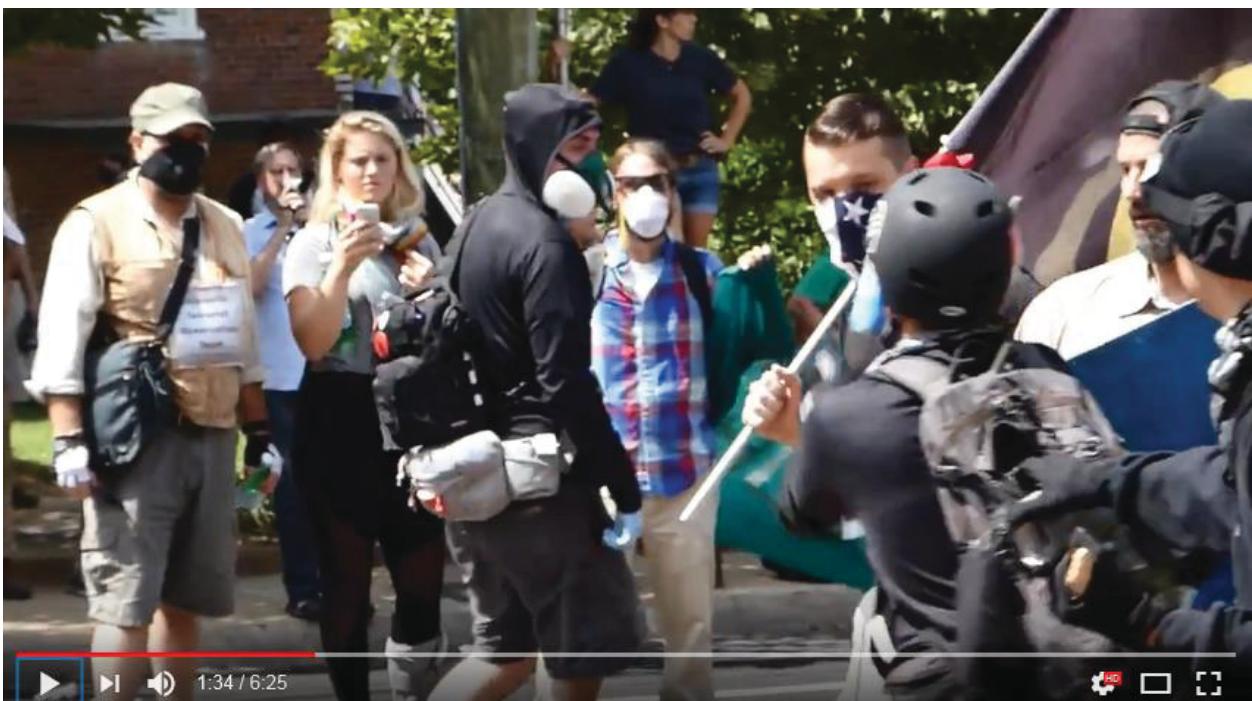
MYLES away. Seen in MYLES hand is a blue spray canister, which are seen in the following screenshots:



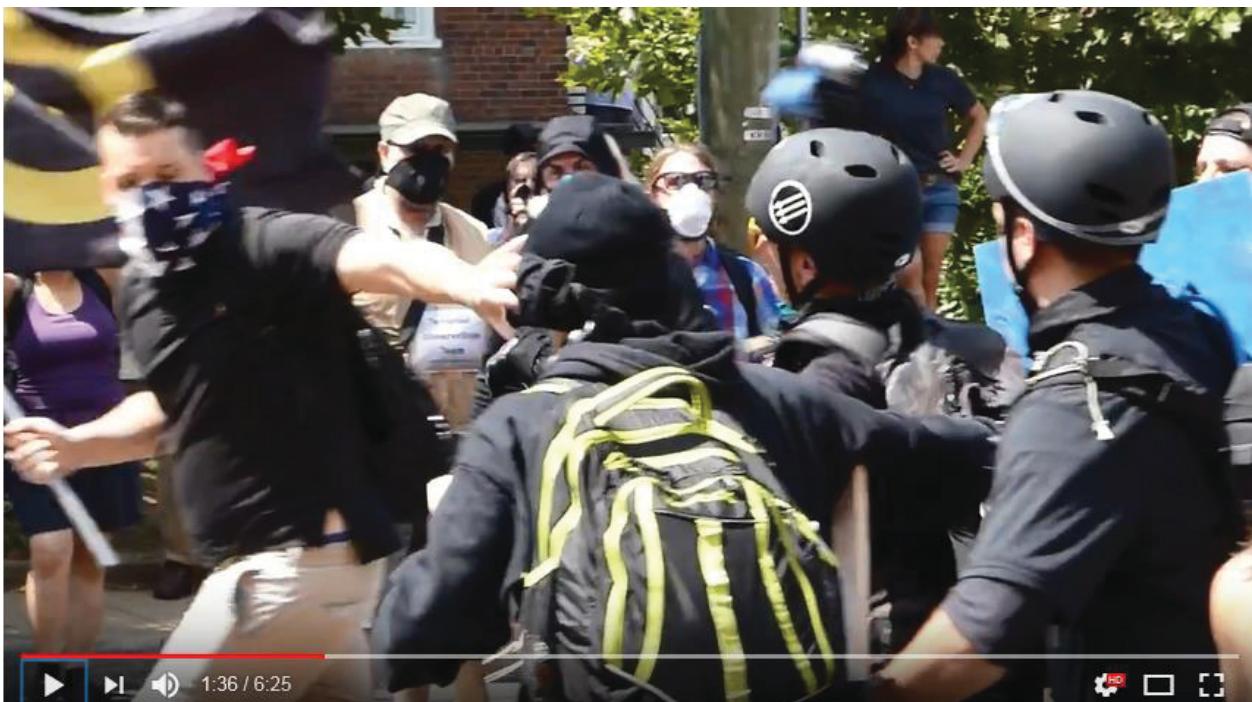
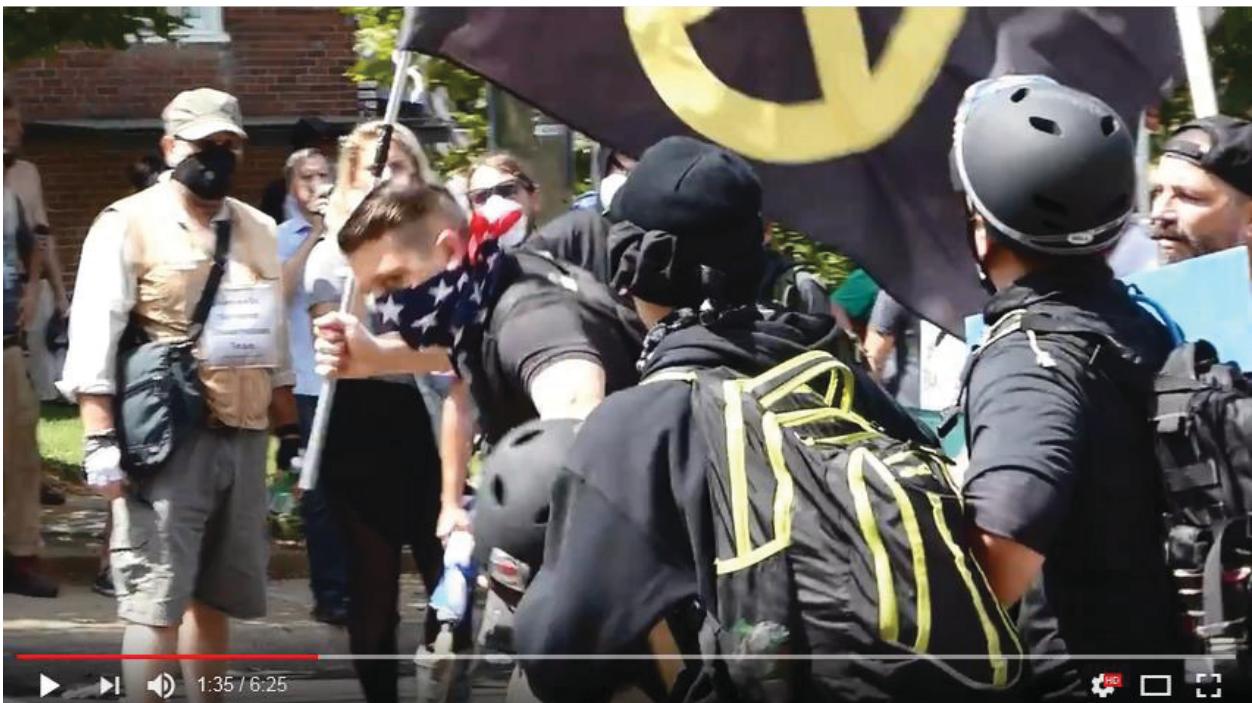
18. MYLES continues to follow VICTIM 2 as he is walking down E. Market Street, when she aims what appears to be a spray canister. VICTIM 2 is pushed into MYLES by another unidentified individual wearing all black clothing:

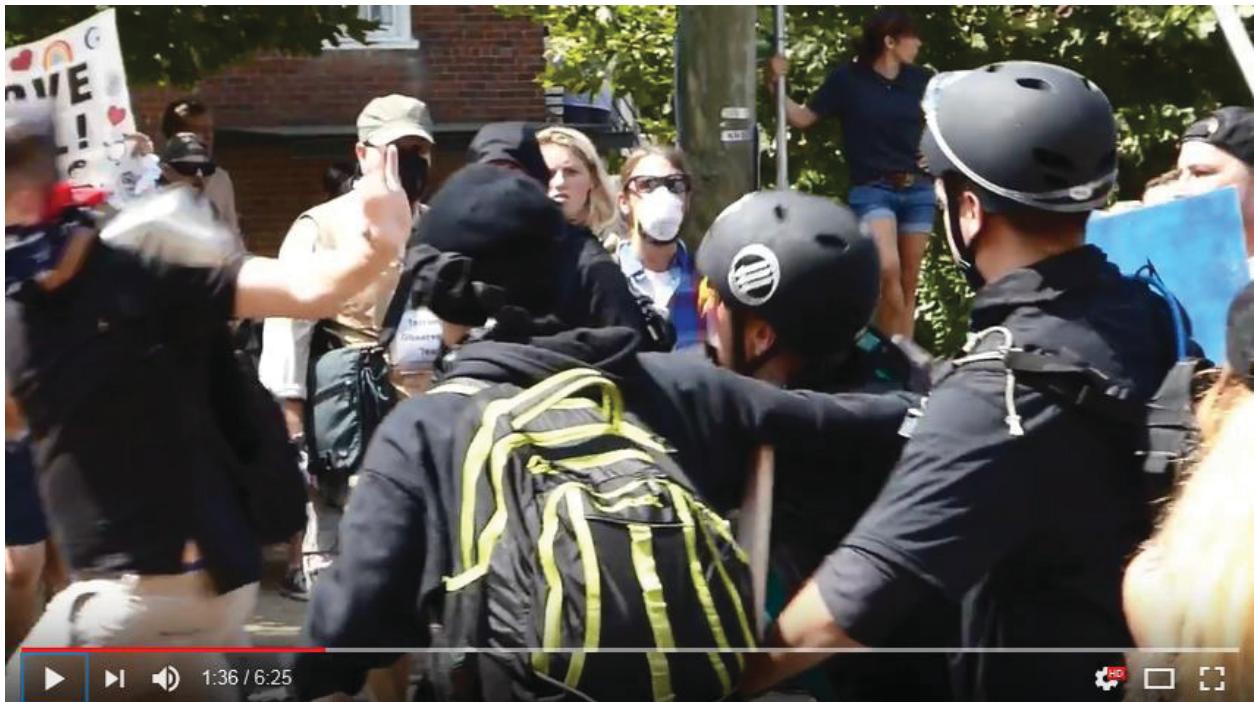


19. MYLES is then seen taking the spray canister and lifting it in front of VICTIM 2's face, while NGUYEN is seen following MYLES close behind:

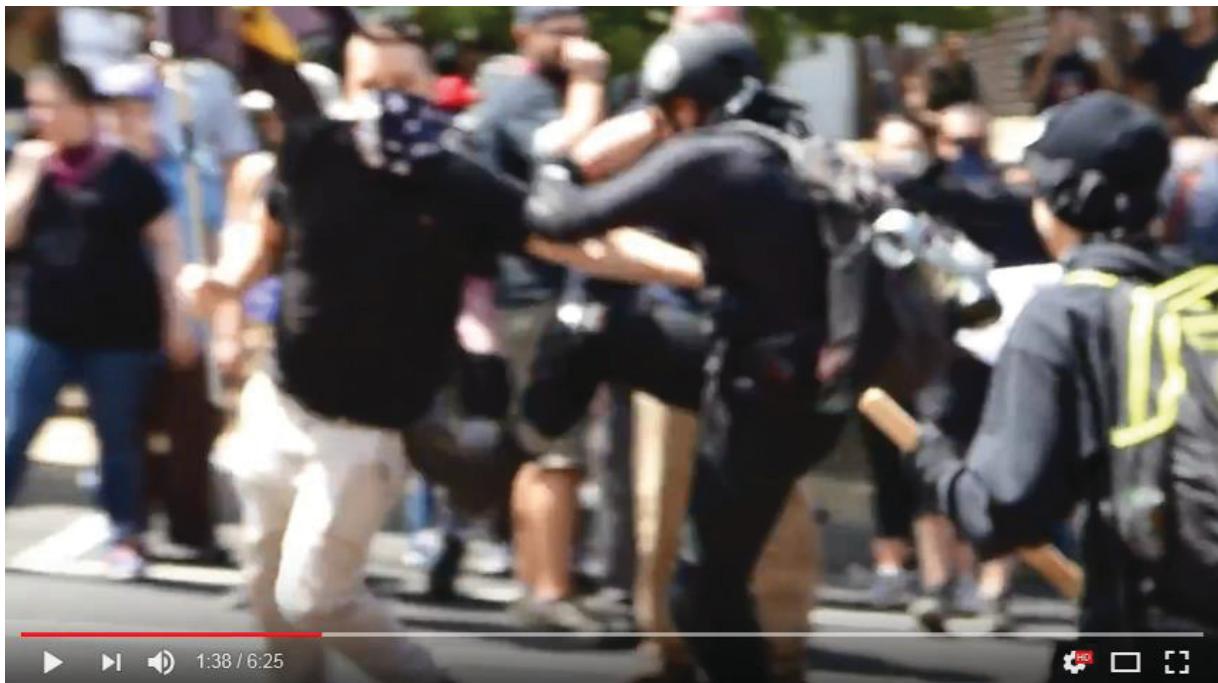


20. VICTIM 2 tries to get away from MYLES and pushes her away, to which MYLES throws the blue canister at VICTIM 2:

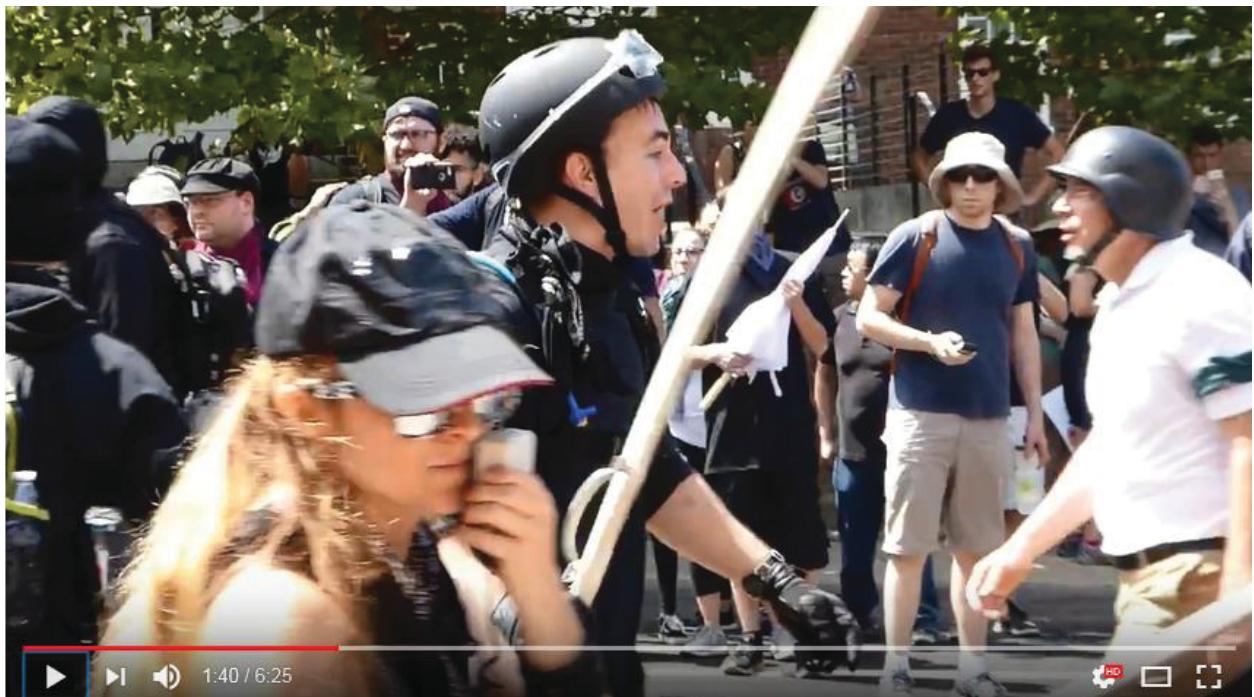




21. MYLES then chases VICTIM 2 and tries to stomp his knee:



22. WRIGHT and NGUYEN are seen trailing MYLES to protect her, and WRIGHT is seen using the wooden board (with a metal door handle attached) to keep others away:



23. In a T-Mobile search warrant return, TARGET ACCOUNTS 3 and 4 were identified to have been near Chantilly, VA on August 11, 2017 and near Charlottesville on that same day later, but in the evening. On August 12, 2017 at approximately 8:38 p.m., TARGET ACCOUNTS 3 and 4 were identified to be back in Chantilly, VA.

24. T-Mobile also revealed that TARGET ACCOUNT 3, which resolves to a Blu Advance 5.0 Android device known by call detail records to be utilized by MYLES, was identified at the August 12, 2017 Unite The Right protest.

25. In a separate Facebook Search Warrant return of user Seymour Roodz Butz, known to be utilized by MYLES, investigators identified a second communication between MYLES and

GRADY PAGE on August 26, 2017 in regards to PAGE allegedly being “doxxed”¹ in relation to the Charlottesville Unite the Right Rally in 2017:

- a. MYLES: “Hey dude, Roody here, I met you I think on j2o and I see you at shit all the time. Anyways, wnated to give you a heads up that you’re being doxed & to set your friends list on private. Here’s the link, youre at the bottom right before kyle Jason and I <https://8chan.net/pol/res/10487205.html>”
- b. PAGE: “Are there pictures of me or just my profile? I can’t get to that link right now”
- c. MYLES: “your profile”
- d. MYLES: “Yeah the link isn’t working on my desktop but it works on my phone. They have a picture with you and your family”
- e. MYLES: “or assumed family”
- f. MYLES: “ok here is my number, I use signal. I can sent it that way, if you’d like. If not I understand seeing as how this is a security culture thing and i’m like yo here’s my number haha. Anyways 7033445440. Im trying to figure out how to access it on my desktop

26. Additionally, according to law enforcement records, there were approximately twenty-one telephonic contacts between TARGET ACCOUNT 4 and 703-220-5862, known to be utilized by WRIGHT, between July 27, 2017 and August 11, 2017. Therefore, it would be necessary to the investigation to obtain the records described in Attachment B. The records may help corroborate or disprove information learned in the investigation and could identify

¹ The term “doxxed” is to search for and publish private or identifying information about (a particular individual) on the Internet, typically with malicious intent.

information pertaining to MYLES planning and route during the violent activity she participated in on August 12, 2017.

27. According to search warrant returns reviewed by your Affiant, there were approximately 29 emails sent from TARGET ACCOUNT 1 to WRIGHT's e-mail account (directly to or as a carbon copy) from May 25, 2017 until November 30, 2017.

28. Based on the aforementioned telephonic communications between MYLES and WRIGHT, your Affiant believes that potential evidence may exist in TARGET ACCOUNTS 1, 2, 3, and 4, which may reveal a premeditated intent to participate in violence in Charlottesville on August 12, 2017 in violation of Title 18, § 2101. Your Affiant also believes from experience and training, that potential additional communications may be stored at the aforementioned email address as justification for the requested scope of dates for the search warrant.

29. Also, based on my training, experience, and knowledge, records retained by Google may show in more specific detail whether MYLES mobile device was in or around the relevant locations in Charlottesville, Virginia at or during the time of the crime which occurred at the dates, times, and locations described through this affidavit and, and more particularly, identified in Attachment A.

30. In my training and experience, I know that when people act in concert with one another to commit a crime they frequently utilize cellular telephones to communicate with each other through voice calls, text messages, and emails. These cellular telephones allow them to plan, coordinate, execute, and flee the scene of crimes. Furthermore, I know people often take pictures utilizing their cellular telephones that may implicate them in a crime, i.e., possessing a firearm, posing with large quantities stolen items, or large amounts of cash.

31. Cell phones are arguably the predominant way people communicate in modern society. With the advent of smartphone technology and all of the functions such devices offer, for many people the mobile phone has become as essential to have on their person as any item of clothing. With regard to criminal activity, it is well known that coconspirators frequently utilize cellular telephones to communicate with each other via voice calls, text messages, and emails, and the internet, permitting them to plan, coordinate, and execute their crimes.

BACKGROUND RELATING TO GOOGLE AND RELEVANT TECHNOLOGY

32. A cellular telephone or mobile telephone is a handheld wireless device used primarily for voice communication through radio signals. Cellular telephones send signals through networks of transmitter/receivers called “cells,” enabling communication with other cellular telephones or traditional “landline” telephones. Cellular telephones rely on cellular towers, the location of which may provide information on the location of the subject telephone. Cellular telephones may also include global positioning system (“GPS”) technology for determining the location of the device.

33. Google is an Internet company which, among other things, provides electronic communication services to subscribers. Google allows subscribers to obtain email accounts at the domain name gmail.com. Subscribers obtain an account by registering with Google. During the registration process, Google asks subscribers to provide basic personal information. Therefore, the computers of Google are likely to contain stored electronic communications (including retrieved and unretrieved email for Google subscribers) and information concerning subscribers and their use of Google services, such as account access information, email transaction

information, and account application information. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

34. In my training and experience, email providers generally ask their subscribers to provide certain personal identifying information when registering for an email account. Such information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative email addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number). In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users. Based on my training and my experience, I know that even if subscribers insert false information to conceal their identity, I know that this information often provide clues to their identity, location or illicit activities.

35. In my training and experience, email providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of login (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via the provider's website), and other log files that reflect usage of the account. In addition, email providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the email account.

36. As explained herein, information stored in connection with an email account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, the information stored in connection with an email account can indicate who has used or controlled the account. Further, information maintained by the email provider can show how, where, and when the account was accessed or used. Based on my training and experience, I have learned that Google also maintains records that may reveal other Google accounts accessed from the same electronic device, such as the same computer or mobile device, including accounts that are linked by Hypertext Transfer Protocol (HTTP) cookies, which are small pieces of data sent from a website and stored in a user’s Internet browser.

37. Google has developed an operating system for mobile devices, including cellular phones, known as Android. Nearly every cellular phone using the Android operating system has an associated Google account and users are prompted to add a Google account when they first turn on a new Android device.

38. Based on my training and experience, I have learned that Google collects and retains location data from Android-enabled and Apple mobile devices when a Google account user has enabled Google location services. The company uses this information for location-based advertising and location-based search results. This information is derived from GPS data, cell site/cell tower information, and Wi-Fi access points.

39. Location data can assist investigators in understanding the chronological and geographic context of the email account access and use relating to the crime under investigation. This geographic and timeline information may tend to either inculpate or exculpate the account

owner. Additionally, information stored at the user's account may further indicate the geographic location of the account user at a particular time (e.g., location information integrated into an image or video sent via email).

40. Therefore, the servers of Google are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Google, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

41. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Google to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

42. Based on the foregoing, I request that the Court issue the proposed search warrant. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that – has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g),

the presence of a law enforcement officer is not required for the service or execution of this warrant.

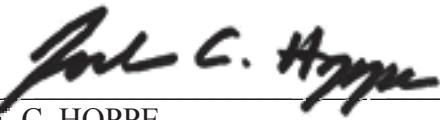
OATH

The information in this affidavit is true to the best of my knowledge and belief.

Respectfully submitted,

s/David Wolf
David Wolf, Special Agent
Federal Bureau of Investigation

Received by reliable electronic means and sworn and attested to by telephone on
this 20th day of May 2019.



JOEL C. HOPPE
UNITED STATES MAGISTRATE JUDGE